

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - FLINT

DARRYL DUDLEY, #151365

Plaintiff(s),

CASE NO.: 05-CV-60142-AA

vs.

HON. JOHN CORBETT O'MEARA  
MAG. JUDGE WALLACE CAPEL, JR.

JOHN DOE, "D. RICHARD".

Defendant(s).

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**ORDER DENYING PLAINTIFF'S**  
**MOTION FOR ENFORCEMENT OF SANCTIONS**

This matter is before the Court on the Plaintiff's "Motion For Enforcement Of Sanctions," filed on November 18, 2005. In his motion, the Plaintiff is requesting that the court entertain sanctions on the basis that the attorney for the Defendant misled the Court in its motion to compel medical records. The Plaintiff states that the Defendant's request for all of the Plaintiff's medical records is beyond the scope of discovery. Plaintiff further argues that the attorney for the Defendant has used discovery as a means to conduct improper discovery as well as a means to harass the Plaintiff.

Rule 26(b)(1) of the Federal Rules of Civil Procedure allows parties to obtain discovery in a civil matter which is not privileged and that is relevant to the claim or defenses of any party, including documents and tangible things. The Rule further provides that based upon good cause, the Court may order discovery of any matter relevant to the subject matter involved in a civil case.

As stated in the Court's previously issued order granting the Defendant's motion to compel, the Court made the determination that the medical records being sought are not unduly burdensome,

nor are they an intrusion into the Plaintiff's medical history. Indeed, since the Plaintiff has raised an issue of deliberate indifference to his health and safety while incarcerated, discovery into his medical history is a pertinent issue. Further, discovery into his medical history would be helpful in determining the substance of the issues presented by the Plaintiff. The Court finds that the discovery being sought by the Defendant is not vexatious nor is it improper.

Accordingly, the Plaintiff's motion is hereby **DENIED**.

**IT IS SO HEREBY ORDERED.**

The parties are hereby informed that any objection to this order must be filed with the district court within 10 days after service, pursuant to Rule 72(a), Federal Rules of Civil Procedure.

**DATED:** December 16, 2005

s/ Wallace Capel, Jr.  
**WALLACE CAPEL, JR.**  
**United States Magistrate Judge**

**CERTIFICATE OF SERVICE**

I hereby certify that on **December 16, 2005**, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send electronic notification of such filing to the following: Diane M. Smith, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participant(s): Darryl Dudley, #151365, Standish Maximum Correctional Facility, 4713 W. M-61, Standish, MI 48658

s/James P. Peltier  
James P. Peltier  
Courtroom Deputy Clerk  
U.S. District Court  
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Flint, MI 48502  
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